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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,710	02/21/2002	Motohisa Nishina	0033-0789P	6233
2292	7590	09/14/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			LEE, BENNY T	
			ART UNIT	PAPER NUMBER
			2817	

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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☐ This application has been examined ☒ Responsive to communication filed on 6 July 2004 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire Three (3) month(s), 2 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-10 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-10 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☒ The proposed additional or substitute sheet(s) of drawings, filed on 6 July 2004, has (have) been ☒ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____, filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 9, note that the change from “less than 7 mm” to --at least 7 mm-- appears to be make the meaning of the claim diametrically opposite to what was originally recited.

Accordingly, in view of this amendment, the claim has been treated as “new matter”.

However, if applicants’ do not believe that such a change is considered to be “new matter”, then an appropriate explanation is needed, including pointing out where support for this limitation can be found in the original description.

The following claim has been found objectionable for reasons set forth below:

In claim 4, last line, note that “a noise signal” should be rephrased as --the spurious noise signal-- for consistency of description.

In claims 4, fourth & sixth paragraphs, note that “of which” should be rephrased as --having a-- for clarity of description.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claim 1 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Nishimura et al.

Nishimura et al (e.g. Fig. 3) discloses a metal chassis (1, 2) comprising of metal planes which oppose each other [i.e. the leftmost metal wall or plane of chassis portion (2) opposes the rightmost metal wall or plane of chassis portion (1)]. As evident from fig. 7, respective printed circuit boards (31b, 31c) are disposed in the chassis portions (1, 2) such that corresponding edges of the respective circuit boards (31b, 31c) “attach” to the metal walls defining the opposing planes. Moreover, note that the first and second circuits boards have first and second local oscillation circuits (LO-1; LO-2), respectively disposed therein. Note that by virtue of the arrangement of the local oscillators in the respective chassis portions, spurious signals resulting from leakage of signals from the local oscillators can be reduced (e.g. col 2, ls 53-55).

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants’ admitted prior art (figs. 10-13) in view of Nishimura et al.

As previously described, the admitted prior art (figs. 10-13) meet the claimed invention except for the function of eliminating spurious signals due to the local oscillator signals.

As described above, Nishimura et al provides a chassis structure which effectively isolates the first and second local oscillators such that spurious or leakage effects from each local oscillator circuit is substantially reduced.

Accordingly, it would have been obvious in view of the references, taken as a whole, to have modified the chassis arrangement of the admitted prior art to have provided an arrangement

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in which each local oscillator circuit is effectively isolated in it's own chassis portion to substantially reduce spurious leakage effects, such as exemplarily taught by Nishimura et al. Such a modification would have been deemed obvious since it would have imparted the advantageous benefits of the isolated local oscillator circuits to a like dual local oscillator circuit from the same field of endeavor, thereby suggesting the obviousness of such a modification. Moreover, note that as a consequence of such a modification, the resultant combination obviously would have been of such a "thickness" to have prevent the spurious leakage of signals from the respective local oscillators.

Claims 3, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the preceding rejection as applied to claim 2 above, and further in view of Saitoh et al (of record), for reasons of record.

Claims 4, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the above rejection as applied to claim 2 above, and further in view of Nakamura ('064), of record for reasons of record.

Claims 6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the above rejection as applied to claim 2 above, and further in view of Nakamura ('958), of record for reasons of record.

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Benny Lee at telephone number 571 272 1764.

B. Lee


BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817